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CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U. S. Patent and Trademark Office via facsimile number 571-273-8300 on May 31, 2007 and is addressed to Mail Stop PCT, ATTN: Cynthia Kratz, Commissioner for Patents, P.O., Box 1450, Alexandria, VA 22313-1450.


Amelia Tauchen

Attorney's Docket No. 9013-56IP

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: March et al.

Application Serial No. 10/529,917

International Appl. No.: PCT/GB03/004267

Filed: April 1, 2005

International Filing Date: October 2, 2003

For: *BACTERIOPHAGE-MEDIATED IMMUNISATION AGAINST HEPATITIS***ATTACHED:**

Faxcover	1 page
<u>Petition to Reinstate Original Statutory Basis of Filing</u>	<u>2 pages</u>
TOTAL	3 pages

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Date: May 31, 2007

Via Facsimile to 571-273-0459

Attn: Cynthia Kratz

PCT Legal Office

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION UNDER 35 U.S.C. 1.181(a) TO REINSTATE
ORIGINAL STATUTORY BASIS OF FILING

Sir:

This Petition is being filed to request that the above-referenced application be treated as 35 U.S.C. § 371 national phase filing of PCT/GB03/004267, filed on October 2, 2003.

A Decision on Merging Application Files (mailroom date December 21, 2006) (herein after "the Decision") states that the present application is to be treated as a 35 U.S.C. § 111(a) filing and not a filing under 35 U.S.C. § 371 as requested by the applicants at the time of filing (Transmittal Letter dated April 1, 2005; copy enclosed). According to the Decision, the conclusion that the present application should be treated as a filing under 35 U.S.C. § 111 (a) is based on a statement in the specification, first line, which "identifies the papers as a Continuation-in-Part of International Application No. PCT/GB03/04267." However, applicants point out that the statement in the specification regarding related applications actually recites the following:

This application is a continuation-in-part of United States Patent Application No. 10/473,664, filed September 17, 2003 entitled "Bacteriophage-Mediated Immunisation," the disclosure of which is incorporated herein by reference as if set forth in its entirety; and claims priority to PCT Application No. PCT/GB03/004267, filed in English on October 2, 2003, which claims the benefit of Great Britain Application Serial No. 0222824.5 filed on October 2, 2002..... (emphasis added).

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This statement was first presented in a Preliminary Amendment filed with the application on April 1, 2005.

Thus, the first clause of the above statement refers to the application as a continuation-in-part of U.S. Patent Application 10/473,664 only. The second clause identifies the PCT application from which the present application is a national phase application, PCT/GB03/004267, and does not indicate that the application is a continuation-in-part of that PCT. Thus, we believe that the decision to treat the present application as a 35 U.S.C. § 111(a) filing is based on an erroneous reading of the related applications statement.

Finally, applicants' representative, Alice Bonnen, spoke to Mr. Boris Milef in the USPTO Office of PCT Legal Administration on April 11, 2007. The priority statement as presented in specification was discussed and Mr. Milef indicated that the nothing in the priority claim conflicted with the clear instruction from the Transmittal Letter that the application was to treated as a 35 U.S.C. § 371 national phase filing.

Accordingly, Applicants respectfully request that the filing status of the present application, U.S. Application Serial No. 10/529,917, be reconsidered and that it be treated as a 35 U.S.C. § 371 national phase filing of PCT/GB03/004267.

No fee is believed due with this Petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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